

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Albrecht Goecke et al.
Appl. No.: 10/069,621
Conf. No.: 3437
Filed: June 5, 2002
Title: TELECOMMUNICATIONS TERMINAL
Art Unit: 2618
Examiner: T. H. NGUYEN
Docket No.: 118744-200

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Sir:

This request is submitted in response to the Office Action dated September 25, 2007 and the Advisory Action dated January 29, 2008. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review," form PTO/SB/31 and "Notice of Appeal" and Petition for a Three (3) Month Extension of Time.

REMARKS

I. The Rejection to Claims 1-5, 7, 9 and 11-13 Under 35 USC 102(b) as Anticipated by Jacobs is Improper

In the instant invention, the telecommunications terminal has a variety of units used for transmitting data using a transmission method associated with each transmission unit. For example, transmission can be effected by a transmission unit using an SMS transmission method, while another unit could use for example e-mail, fax, etc.

The Examiner, in Response to Arguments beginning on page 2 of the Final Office Action, and citing Jacobs states that "clearinghouse 18 also transmits a request for either digital money or a financial ID specifying a credit or debit account and approval to charge the account. The mobile unite 12 receives the signals and presents appropriate displays to the customer to display information received from clearinghouse 18, and to request selection of a credit or debit account or digital money (Fig. 2, step 112). To this end, mobile unit 12 retrieves pre-stored

financial information (preconfigured transmission) from a memory unit....” Applicants respectfully disagree.

Jacobs clearly fails to disclose a transmission device having a plurality of preconfigured transmission units, each transmission unit having an associated transmission method. Rather, Jacobs discloses that financial information is stored in a memory device. Here, mobile unit 12 always transmits via a single air interface either to the cash register 14 or to the base station 22, as seen in Fig. 1. There is no disclosure, however, of a plurality of transmission units each associated with a transmission method. In the claimed invention, on the other hand, the telecommunications device can transmit in a variety of ways (i.e. different transmission methods) via a plurality of transmission devices. For example, claim 1 requires that “the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices.” Indeed, while Jacobs may disclose a “preconfigured transmission” (e.g. a transmission that is based on a predetermined algorithm at a specific or periodic time instance based on a particular trigger), the reference fails to disclose a transmission unit that is preconfigured (a preconfigured transmission unit) to transmit using a particular method (e.g. email, fax, etc.). That is, the unit transmitting, for example SMS, is preconfigured to ensure that data is transmitted correctly according to the SMS protocol, and the unit transmitting faxes is preconfigured to ensure that data is transmitted correctly according to a fax protocol, etc.

In the Advisory Action, on page 2, the Examiner comments that Applicant should refer to Jacobs at Figures 1 and 2, page 7 lines 14-23, and page 8 lines 19-38, where the Examiner interested “a transmission unit having a plurality of preconfigured transmission units, each transmission unit having an associated transmission method.” Additionally, the Examiner comments that Figure 2, step 122 (previously citing step 112) discloses “each transmission unit having an associated transmission method”, etc. Applicants respectfully disagree. As indicated hereinabove, Applicants submit that Jacobs transmits a request. However, a clearinghouse transmitting a request may not be the same as a transmission unit having a plurality of preconfigured transmission units. Additionally, the clearinghouse receives information in order to contact the appropriate bank or credit card company. The received information does not indicate an associated transmission method for that particular transmission unit. To state that

information received necessarily includes information containing which transmission method is associated therewith is simply not correct.

Since the recited structure is not disclosed by the applied prior art, claims 1-5, 7, 9 and 11-13 are patentable.

II. The Rejections to Claims 6, 8, 10 and 14-15 under 35 USC 103(a) as Unpatentable Over Jacobs in View of Various Combinations of Mark, Heinonen and Kohda are Improper

The rejections are respectfully traversed for the same reasons presented in the arguments presented above.

III. Conclusion

In light of the above, the Applicants submit that all the claims are both novel and non-obvious over the prior art of record. Accordingly, the Applicants respectfully request that a Notice of Allowance be re-issued in this case. If any additional fees are due in connection with this application as a whole, the Director is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (118744-200) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29177

202-955-7007

Dated: March 20, 2008